

PLAINTIFF

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AS

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15 Attorneys for Plaintiff
16 United States of America

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,) Case No. 07-
20 Plaintiff,) 0028M
21 v.)
22 WILLIAM CLOUD,)
23 Defendant.)
24 _____

GOVERNMENT'S NOTICE OF REQUEST
FOR DETENTION

25 Plaintiff, United States of America, by and through its
26 counsel of record, hereby requests detention of defendant and gives
27 notice of the following material factors:

- 28
1. Temporary 10-day Detention Requested (§ 3142(d))
on the following grounds:
a. offense committed while defendant was on release
pending (felony trial), (sentencing) (appeal) or
on (probation) (parole);
b. alien not lawfully admitted for permanent
residence;

1 ____ c. flight risk;

2 ____ d. danger to community.

3 X 2. Pretrial Detention Requested (§ 3142(e)) because no
4 condition or combination of conditions will
5 reasonably assure against:

6 X a. danger to any other person or the community;

7 X b. flight.

8 ____ 3. Detention Requested Pending Supervised

9 Release/Probation Revocation Hearing (Rules

10 32.1(a)(6), 46(d), and 18 U.S.C. § 3143(a)):

11 ____ a. Defendant cannot establish by clear and
12 convincing evidence that he/she will not pose a
13 danger to any other person or to the community;

14 ____ b. Defendant cannot establish by clear and
15 convincing evidence that he/she will not flee.

16 ____ 4. Presumptions Applicable to Pretrial Detention (18
17 U.S.C. § 3142(e)):

18 ____ a. Title 21 or Maritime Drug Law Enforcement Act
19 ("MDLEA") (46 U.S.C. App. 1901 et seq.) offense
20 with 10-year or greater maximum penalty
21 (presumption of danger to community and flight
22 risk);

23 ____ b. offense under 18 U.S.C. § 924(c) (firearm
24 used/carried/possessed during/in relation to/in
25 furtherance of crime), § 956(a), or § 2332b
26 (presumption of danger to community and flight
27 risk);

- 1 ____ c. offense involving a minor victim under 18 U.S.C.
2 §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245,
3 2251, 2251A, 2252(a)(1)-(a)(3), 2252A(a)(1)-
4 2252A(a)(4), 2260, 2421, 2422, 2423 or 2425
5 (presumption of danger to community and flight
6 risk);
- 7 ____ d. defendant currently charged with (I) crime of
8 violence, (II) offense with maximum sentence of
9 life imprisonment or death, (III) Title 21 or
10 MDLEA offense with 10-year or greater maximum
11 sentence, or (IV) any felony if defendant
12 previously convicted of two or more offenses
13 described in I, II, or III, or two or more state
14 or local offenses that would qualify under I, II,
15 or III if federal jurisdiction were present, or a
16 combination of such offenses, AND defendant was
17 previously convicted of a crime listed in I, II,
18 or III committed while on release pending trial,
19 AND the current offense was committed within five
20 years of conviction or release from prison on the
21 above-described previous conviction (presumption
22 of danger to community).

23 X 5. Government Is Entitled to Detention Hearing

24 Under § 3142(f) If the Case Involves:

- 25 ____ a. a crime of violence (as defined in 18 U.S.C.
26 § 3156(a)(4)) or Federal crime of terrorism (as
27 defined in 18 U.S.C. § 2332b(g)(5)(B)) for which

maximum sentence is 10 years' imprisonment or more;

- b. an offense for which maximum sentence is life imprisonment or death;

 c. Title 21 or MDLEA offense for which maximum sentence is 10 years' imprisonment or more;

 d. instant offense is a felony and defendant has two or more convictions for a crime set forth in a-c above or for an offense under state or local law that would qualify under a, b, or c if federal jurisdiction were present, or a combination or such offenses;

 e. any felony not otherwise a crime of violence that involves a minor victim or the possession or use of a firearm or destructive device (as defined in 18 U.S.C. § 921), or any other dangerous weapon, or involves a failure to register under 18 U.S.C. § 2250;

X f. serious risk defendant will flee;

 g. serious risk defendant will (obstruct or attempt to obstruct justice) or (threaten, injure, or intimidate prospective witness or juror, or attempt to do so).

6. Government requests continuance of _____ days for detention hearing under § 3142(f) and based upon the following reason(s):

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4 7. Good cause for continuance in excess of three days
5 exists in that:
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9

10 DATED: 1/11/07 Respectfully submitted,

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12 Acting United States Attorney

13 THOMAS P. O'BRIEN
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15 Chief, Criminal Division

16 
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